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| 'Barry E. Bretschneider Morrison & Foerster LLP 1650 Tysons Blvd., suite 300 McLean,, VA 22102 | | | CUFF, MICHAEL A | |
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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/662,176

Filing Date: September 14, 2000

Appellant(s): YAMASHITA ET AL.

Wayne C. Jaeschke, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/11/06 appealing from the Office action

mailed 5/19/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|--------------|---------|
| 6,401,116 | OKIGAMI | 6-2002 |
| 5,847,814 | ANTZIOPoulos | 12-1998 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okigami in view of Antziopoulos et al.

Okigami shows all of the limitations of the claims except for specifying numerous transmitters, where data is stored and specifically monitoring operation value compared to life value.

Okigami shows, figure 1, a networked connected device 5 (terminal apparatus, copier) with storage section 11 (first memory), a communications section (controller, see figure 2b), and a network connection. There is a trouble management server 2 (management apparatus) with storage section 21 (second memory).

Antziopoulos et al. teaches, figure 1, a copier system with monitors. In order to change these replacement components individually depending on the particular rated service life (life value), each replacement component is associated with its own level-of-use detector (operating value). See column 3, lines 34-36.

Based on the teaching of Antziopoulos et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Okigami

Art Unit: 3627

system to specifically monitor operation value compared to life value in order to change these replacement components individually.

The examiner takes Official Notice that multiple transmitters can take the place of network connections in order to provide a cheaper and more simple means of data transfer and that it would be obvious to one of ordinary skill in the art to store data in any one of a number of database in order to provide more convenience.

Based on the discussion above, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Okigami system to replace the network connections with multiple transmitters in order to provide a cheaper and more simple means of data transfer and to store data in any database in order to provide more convenience.

(10) Response to Argument

The examiner would like to start off by mapping out claim 1. In order to make a more logical presentation, the examiner has re-arranged the limitations of claim 1.

Art Unit: 3627

1. A parts-management system comprising:

a terminal apparatus;

Okigami, figure 1, item #5

wherein said terminal apparatus includes:

a first memory

Okigami, figure 2, item #11

which stores identification information of each part used in said terminal apparatus and an operation value corresponding to an operation of each part in a mutually related manner, and

From Okigami, column 4, lines 45-47
From Antziopoulos, column 3, lines 33-37

a controller of said terminal apparatus which performs a predetermined operation processing corresponding to an operation of each part and updates said operation value stored in said first memory when said part operates,

From Okigami, item # 12, sub-item #13 (figures 2 a & b)
From Antziopoulos, column 3, lines 45-56

a management apparatus for communicating with said terminal apparatus,

Okigami, figure 1, item #2, communicates with #5 via Internet #4

a first transmitter which transmits said identification information of each part and said operation value corresponding to said identification information to said management apparatus; and,

Internet point = transmitter
Admitted prior art via Official Notice. Operation values shown from Antziopoulos, column 3, lines 33-37 and 54-56

a second transmitter which transmits a request signal for requesting a transmission of said operation value for at least one part, and

From Okigami, column 6, lines 59-62.
#12 is part of #5
#21 is part of #2

wherein said management apparatus includes:

Okigami, figure 1, item #2,

a second memory which stores said identification information of each part and said operation value each sent by said first transmitter in a mutually related manner;

Okigami, figure 3, item #21, #21 is a sub of #8.
#8 is a sub of #2

a third transmitter which transmits said identification information and said operation value each stored in said second memory to said terminal apparatus in response to said request signal.

Okigami, column 11, lines 41-47

wherein said controller of said terminal apparatus updates, based on said identification information and said operation value of each part transmitted from said management apparatus, the corresponding operation value of said identification information stored in said first memory;

Okigami, column 7, line 58 to column 8, line 5.

This comes full circle to first memory definition - From, Okigami, column 4, lines 45-47

Section A

Page 5, bottom, appellant asserts that the prior art fails to teach a system in which a copier part can be removed from, for example, a malfunctioning copier and placed into service in another copier. This is not relevant because it is not claimed. The claim elements have been addressed as recited. There are no steps or structure that requires appellant's intended use. Appellant has had more than ample opportunity to amend, but has not recited any structure, such as a second apparatus, which could receive a part from the first apparatus. Further, appellant has removed elements (see 1/31/05 amendment) that had structure drawn to "a plurality or apparatus". As recited, the prior art meets the metes and bounds of the claims.

Page 6, top, appellant asserts missing elements. See claim map.

Art Unit: 3627

Page 6, bottom, appellant assert the controller is not shown. See claim map. In addition, the claim is confusing in that “update” in the middle of the claim is based on information in the third transmitter at the end of the claim.

Pages 7 and 8 repeat similar arguments. See example, top, page 7 and controller quote, top, page 8.

Section B

Appellant asserts that the prior art does not show a “a memory for storing ...” and “wherein said accumulated data includes”. The prior art shows this memory, see claim 1 map.

As for the conditional limitation “including the actual usage of each part that has been used in a plurality of apparatus;”. The prior art shows the usage of each part. The prior art does not meet the condition of “that has been used in a plurality of apparatus”, but meeting the condition is not necessary to meeting the metes and bounds of the claim. For example, I must do homework, including the homework that has been assigned by the gym teacher. If the gym teacher does not assign homework, then the including the homework that has been assigned by the gym teacher is nothing.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Michael Cuff

Conferees:

RZ



VM

